

### **REMARKS**

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended in the recent in-person interview conducted in connection with this case. The amendments and remarks presented herein are consistent with those discussed. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Office Action, mailed June 18, 2008, considered and rejected claims 1-34. Claims 1-34 were rejected under 35 U.S.C § 103(a) as being unpatentable over *Smith* (U.S. Patent No. 7,219,137) in view of *Zhuang* (U.S. Patent Publ. No. 2002/0198943).<sup>1</sup>

By this paper, no claims are amended, claims 35-40 are cancelled, and claim 41 is added. Accordingly, following this paper, claims 1-34 and 41 remain pending, of which claims 1, 13 and 24 are the only independent claims.

As discussed during the interview, Applicant's claims generally relate to extending the functionality and data properties offered by a legacy protocol, without modifying the legacy protocol so as to support clients with only legacy capabilities. An exemplary method includes, as recited in claim 1, for example, receiving legacy data that includes a main body of a data message, for posing on a messaging board over an unsecured legacy channel and using a legacy protocol for supporting legacy clients. Participation is also included in the creation of a secure side channel for exchanging extended data properties and supporting functionalities not offered by the legacy protocol. Over the secure side channel, extended data is received that includes a client hash value, created by a client when hashing at least a portion of the legacy data. Metadata is also received that defines extended properties that extend the legacy protocol. A server hash is created by hashing at least a portion of the legacy data received over the unsecured legacy channel, and the legacy data is linked to the extended data. The client hash value is then compared with the server hash value to ensure that the legacy data has not been altered for extending the functionality of the legacy protocol through securing the unsecured legacy channel without having modified the legacy protocol. Claims 13 and 24 recite a related methods from a client-side perspective.

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

As further discussed during the interview, while *Smith* and *Zhuang* generally relate to providing access to back end legacy systems, Applicant respectfully submits that they fail to disclose or reasonably support the pending claims for the reason that they fail to disclose or reasonably support the combination of elements in the pending claims. For example, at a minimum, the cited art fails to disclose or reasonably support the creation of a secure side channel for exchanging extended data properties, or the use of a client hash value, as such are recited in combination with the other claim elements.

*Smith* for example, relates to allowing a user to access an intranet from within a systems interface to back-end legacy systems. Specifically, a user logs a computer on to a systems interface that allows access to the back-end legacy system. The computer accesses the systems interface over a wire or wireless connection. The Office Action, for example, cites to Figure 2, item 270 for the creation of a secure side channel for exchanging extended data properties not offered by the legacy protocol. Notably, however, such a disclosure merely indicates the presence of a legacy system and its communication with a computer system through a sequence that includes transaction and protocol servers. Nothing in the disclosure includes the creation of any side channel, let alone a secure side channel that exchanges extended data properties and supporting functionalities not offered by the legacy protocol.

Furthermore, *Smith* is no more instructive in regards to the receipt of extended data over a secure side channel, which extended data includes: (i) a client hash value created by a client when hashing legacy data; and (ii) metadata for defining extended data properties that extend the legacy protocol. In particular, it will be noted that the Office cites to Column 7, ll. 60-66 which states, in effect, that a protocol server may receive a message that the computer is seeking a network address of the intranet, but it could also detect that the user is attempting to access the intranet in other fashions. The middleware in the protocol server hands off the transaction to a TechNet server, and all other network addresses are sent to the Intranet. Accordingly, if a browser is started and nonTechNet network addresses are requested, the protocol servers hand that session off to the intranet. It will be readily apparent that *Smith* thus discloses handling of requests for intranet access requests, but there is no disclosure related to a hash of client data that was created when the client hashed the legacy data.

*Zhuang* is also no more instructive in this regard. In particular, *Zhuang* describes a two-way, remote messaging facility that allows a client to receive instant notification from an event

producer based on subscription, to access data generated by the event producer, and to post messages to the event producer. As part of the system in *Zhuang*, an event producer is registered and a session request is received. The client is authenticated and a session is started. Within the session, an event subscription is received, the event is subscribed, and a channel is set-up over which the message board is monitored and, based on changes to the message board, events may be forwarded. (Figure 12 and discussion related thereto).

Notably, however, nothing in *Zhuang* includes the creation of a client side hash value, which is a hash created at the client and of legacy data. Furthermore, although the Office cites such a disclosure for the creation of a server hash value, no hash value is generated based on legacy data. Instead, a session request, event subscription and event notification are generated. Additionally, inasmuch as there is no client hash or server hash, there can be no comparing of the client hash value with a server hash value to ensure that the legacy data has not been altered. For such, the Office merely cites to element 1212 of Figure 12, which notes that the client is authenticated. Mere authentication of a client (i.e., to ensure the client is who it says it is), has no inherent or implicit disclosure of comparing two hash values. Moreover, even if it did, the comparison would be of hash values that indicate who the client is, and not that the legacy data of a message board is unchanged, as recited in combination with the other claim elements. Indeed, the very data that would be the basis of the has, is cited by the Office Action as being monitored and updated at 1260 and 1262 of Figure 12, which necessarily occurs only after event 1212 where the comparison is asserted as being performed.

Inasmuch as the Office has therefore failed to satisfy its burden of providing a *prima facie* case of obviousness, for at least the reason that various claim elements, when considered in combination, are not reasonably supported by the combination of art, Applicant respectfully requests reconsideration of the pending claims. Furthermore, each of the dependent claims are allowable for at least the reasons cited herein, and need not be addressed individually.

Nevertheless, with regard to the dependent claims, Applicant notes that all of the dependent claims were rejected with the following statement from the Office Action:

"Regarding Claim 2-12, 14-23 and 25-34, Zhuang discloses the level of expertise of users and the ranking of message see Fig. 3 item 215 and Par. 0069."

It is helpful to note that item 215 of Figure 3 identifies a "Messaging Agent," and Paragraph 69 details that a channel may connect to different listener agents. For instance, channel 1 may be connected to two listener agents. Each channel is dedicated to a single client (e.g., one channel is dedicated to a web client). A web client may subscribe events associated with different slots in a message board. In such case, corresponding different listener agents are linked to the same channel and simultaneously listen to the subscribed events.

As is apparent, the cited disclosure has nothing to do with the rejection made in the Office Action, including the "ranking of message." Furthermore, even if it did relate to ranking of messages, claims 2-12, 14-23, and 25-34 do recite solely the ranking of messages. Indeed, the only apparent correlation to ranking is the receipt of voting input from users; however, ranking of data and receiving votes from users are also not synonymous.

By additional way of illustration, claim 2 describes the use of extended data properties of a question, comment, suggestion, answer, answered question, or answered suggestion. Claim 3 relates to the extended data properties including profiler data which has details about how posted the legacy data and a user's integrity or how long the user has been posting messages. Claim 5 recites an opinion rating that rates a message as useful, an answer, or spam. Claim 7 recites an author is ranked (as opposed to message being ranked) as an expert, guru, novice, apprentice, or company employee. Claim 10 recites authentication of users based on encryption, digital signing, HTTP, NTLM, Kerberos, X509, Passport, and/or MAC. Claim 11 recites the legacy protocol as being network news transport protocol, and the side channel having hypertext transport protocol with SSL. Claim 12 recites the extended data is in an extensible markup language. Clearly, a bald assertion that ranking of data is disclosed fails to disclose or reasonably support any of these elements.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 17<sup>th</sup> day of December, 2008.

Respectfully submitted,

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